



Atty. Dkt. No. 071949-2106

JP 1641

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BUECHLER et al.

Title: NOVEL METHODS FOR THE
ASSAY OF TROPONIN I AND T
AND COMPLEXES OF TROPONIN I
AND T AND SELECTION OF
ANTIBODIES FOR USE IN
IMMUNOASSAYS

Appl. No.: 09/687,051

Filing Date: 10/12/2000

Examiner: G. Gabel

Art Unit: 1641

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below. <u>Jodie M. Price</u> (Printed Name) <u>[Signature]</u> (Signature) <u>7/10/01</u> (Date of Deposit)
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TRANSMITTAL

Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is:

- ☒ Response to Restriction Requirement.
- ☒ Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date July 10, 2001

By [Signature]

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Atty. Docket No. 071949-2106 (Formerly 030691.0008)

Patent

[Handwritten signature]
JUL 16 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BUECHLER et al.

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response Office Action mailed June 11, 2001, please consider the following remarks.

In a restriction requirement, the Examiner has divided the claims into two groups:

Group I: claims 55-68 and 75-78; and
Group II: claims 69-74.

Applicants hereby elect Group II, Claims 69-74, for examination, with traverse.

Traversal of the Restriction Requirement

Notwithstanding the foregoing, Applicants respectfully request that the Examiner reconsider the restriction requirement and examine all currently pending claims.

A restriction requirement is proper if (1) two or more independent and distinct inventions are claimed in one application (35 U.S.C. §121), and (2) there would be a serious burden on the examiner if restriction is not required. MPEP § 803.

Applicants respectfully disagree with the Examiner's contention that a burden would exist because the search required for Group I is not required for Group II. The search that will be required for Group II, *e.g.* antibodies specific for cardiac troponin that are insensitive to cardiac troponin forms, will include the search that will be required for Group I, drawn to methods and kits for the assay of cardiac troponin that use antibodies selected to provide a signal that is insensitive to cardiac troponin forms.

Therefore, because there is no serious burden placed upon the Examiner by examination of all pending claims, Applicants respectfully request that the Examiner withdraw the restriction and examine all of the claims on the merits.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that the pending claims are in condition for allowance. An early notice to that effect is earnestly solicited. Should any matters remain outstanding, the Examiner is encouraged to contact the undersigned at the address and telephone number listed below so that they may be resolved without the need for additional action and response thereto.

Respectfully submitted,

Date July 10, 2001

By Michael A. Whittaker

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